

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
EASTERN DIVISION

EARL MILLOY,)
)
Plaintiff,)
)
v.) Case No. 12 C 4368
)
CHICAGO BOARD OF EDUCATION,)
)
Defendant.)

MEMORANDUM ORDER

Counsel for plaintiff Earl Milloy (“Milloy”) has, in response to the inquiry contained in this Court’s June 8 memorandum order, filed a Statement of Jurisdiction that clarifies the irrelevancy for current purposes of Milloy’s nonreceipt of an EEOC right-to-sue letter regarding his initial charge of employment discrimination. This Court recognizes that it was thrown off track by the fact that the only allegation in Milloy’s Complaint that referred to a right-to-sue letter was the disclaimer in Complaint ¶ 14 as to such receipt regarding Milloy’s original charge – in a puzzling way, the Complaint itself is silent on that subject as to the retaliation charge. True enough, Complaint Ex. B does include an EEOC right-to-sue letter, but that letter – which refers to EEOC’s adoption of state agency findings as to “this charge” – cites only EEOC’s own Charge No. 21B-2011-00717, while the Illinois Department of Human Rights retaliation charge bears its own No. 2011CF1915.

In the summary judgment context, an opinion by Judge Posner said some years back that “judges are not like pigs hunting for truffles.” This situation is of course not parallel to the one that produced that aphorism – but at the same time it might have been expected that Milloy’s able counsel (a characterization certainly justified by the current Statement of Jurisdiction) might have done a bit better in terms of notice pleading. All the same, now that counsel has explained the

situation this Court will not require that the Complaint to be amended. Instead it is issuing its customary initial scheduling order.



Milton I. Shadur
Milton I. Shadur
Senior United States District Judge

Date: June 12, 2012